

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO.: 3:04-CV-247

UNUM LIFE INSURANCE COMPANY )  
OF AMERICA, )

Plaintiff, )

v. )

**CONSENT ORDER**

DERRICK MACK, Individually and as the )  
Administrator of the Estate of TASHA N. )  
MACK, MELVIN NICHOLS AND )  
PATRICIA A. NICHOLS, )

Defendants. )

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THIS MATTER, coming before the Court upon the Motion of Plaintiff Unum Life Insurance Company of America (“Unum”) to discharge it from further liability under its group policy no. 102947-0003 (“the Policy”) issued by Unum to Zenith Insurance Company, on account of the death of Tasha Mack, to dismiss it from the action, and for a consent award of reasonable attorney’s fees and costs as a disinterested stakeholder, and it appearing to the Court, per the consents hereon, that Unum has paid into the Registry of the Court all amounts due under the Policy on account of Ms. Mack’s death, totaling \$294,470.67, with interest, that this payment has fully satisfied Unum’s obligations under the Policy on account of the death of Tasha Mack, that Defendants are asserting claims to the funds, and that Defendants, through their respective counsel, have agreed to dismissal with prejudice of all claims against Unum, and payment of \$3,500.00 from the Policy proceeds for Unum’s reasonable attorney’s fees and expenses;

NOW, THEREFORE, it is ORDERED, ADJUDGED and DECREED that:

1. Unum’s payment in the amount of \$294,470.67, with interest, into the Registry of this Court fully discharges Unum’s obligations under the Policy on account of the death of Tasha Mack. Unum Life Insurance Company of America shall be, and hereby is, dismissed from this action with prejudice.

2. Defendants having consented to payment of \$3,500.00 as reasonable attorney's fees and costs incurred by Unum in this action, the Clerk shall disburse to Unum a payment in the amount of \$3,500.00 from the funds deposited with the Court, by check made payable to "Unum Life Insurance Company of America", to be mailed to Unum in care of its attorneys of record.

Signed: October 11, 2006



Graham C. Mullen  
United States District Judge



WE CONSENT:

/s/ Mark V. L. Gray  
Mark V.L. Gray  
N.C. State Bar No. 10347  
Attorney for Defendant Derrick Mack  
Individually and as Administrator of the  
Estate of Tasha N. Mack

OF COUNSEL:

GRAY NEWELL JOHNSON & BLACKMON  
108 N. Elm Street  
Greensboro, NC 27401  
Telephone: (336) 691-9200

/s/ Thomas D. Garlitz  
Thomas D. Garlitz  
N.C. State Bar No. 8277  
Attorney for Defendants Melvin and

Patricia Nichols

OF COUNSEL:

GARLITZ & WILLIAMSON, PLLC  
Suite 930, The Johnston Building  
212 South Tryon Street  
Charlotte, NC 28281  
Telephone: (704) 372-1282

/s/ George K. Evans, Jr.  
Erna A.P. Womble  
N.C. State Bar No. 13651  
George K. Evans, Jr.  
N.C. State Bar No. 4850  
Attorneys for Plaintiff Unum Life Insurance  
Company of America

OF COUNSEL:

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC  
One West Fourth Street  
Winston-Salem, NC 27101  
Telephone: (336) 721-3723  
Fax: (336) 733-8412